

1887-062 Chancery Causes: James M. Young & wife vs. Adm. of John W. Lambert & Lee Co.

Flanary, Southern, Flanery, Ely, Wygal, Maxwell, Sheets

CA Estate Dispute
T-Property

To the Hon. H. S. K. Morrison, Judge
of the Circuit Court of Lee County, Va.:
Humbly complaining, Your orator and
oratrix, James W. Young and Mary
Young, his wife, represent, That, John
W. Lambert, Sr., deceased, father of
your female plaintiff departed this life
sometime in the year 1886, seized of a
small real and personal estate, situated
in Lee County, Virginia; that on the
day of 1886, letters of Admin-
istration were granted to Rice D. Flannery,
Sheriff of Lee County, Virginia by the
County Court of said county, on the
personal estate of said deceased, who
took possession of and sold only a
portion of the property which should
have been taken and sold by him.

Your orator and oratrix charge
that the heirs living with and at
the residence of John W. Lambert, Sr.,
deceased, did not turn over any part
of the property liable to sale by said
administrators, thereby smuggling and
illegally possessing themselves of
property which rightfully belongs to
the Estate of John W. Lambert, Sr.,
deceased. The parties who so possessed

themselves of said property are Peter
Lambert, R. B. Lambert and Julia
A. Lambert.

Your Orator and Oratrix charge
that Peter Lambert, R. B. Lambert
and Julia A. Lambert have swag-
gled and converted to ^{their} own use
the following property, viz: about twenty
dollars in Cash, one mule, one
mare, one three year old filly, one
stew, one cow, one heifer, seven
heads of sheep, twenty three heads of
hogs, fifty five bushels of wheat,
and a considerable amount of
corn; all of considerable value;
of and concerning all which your
Orator and Oratrix pray to be
allowed to show by proof; and
to be allowed to show by proof
that they concealed two further heads,
by doubling them with two other
heads; and to show various other
property by their concealment.
Your Orator and Oratrix would represent
that John W. Lambert, Sr., deceased,
did in his lifetime make considerable
advancements to all of his children

except your oratrix, who he paid nothing.

Your orator and oratrix now charge that John W. Lambert, Sr., deceased, was in his life time bound to support his mother Mary Lambert, that there was a charge for the same, upon the land owned by John W. Lambert, Sr., decd., at the date of his death, and being so bound, and at the age of maturity of your oratrix, John W. Lambert, Sr., procured your oratrix to support his said mother, which she does faithfully for six years, for which he should pay your oratrix \$25⁰⁰ per annum, never having paid your oratrix one cent therefor.

Your oratrix and orator claim that they have a right to be subrogated to the lien of their said grandmother, Mary Lambert, upon the real estate charged with her support, in the possession of John W. Lambert, Sr., deceased, at the day and date of his death.

Your orator and oratrix charge that the personal estate of John W.

If that a guardian ad litem be appointed to answer for B. E. Southern,
B. E. Southern and Darius H. Southern, who are defendants Rebecca M. Southern
& Caladonia Lambert who are infants.

Lambert, Sr., deceased, is not sufficient to
pay funeral expenses, and debts, and
equalize his heirs.

The object of this bill is to have
Rue S. Flannery, Sheriff &c, and as
Succo admr. of the Estate of John W.
Lambert, Sr. dec'd., settle his account,
and be held to account for said
estate fully: to have Peter Lambert, R. B.
Lambert and Julia A. Lambert account
for all property illegally detained by
each of them; to have all the heirs
account for advancements made to
them — and to this end, to have an
account taken in this cause, and
finally to have portions of said personal
and real estate.

Your orator andatrix now
make Rue S. Flannery, Sheriff, and as
Succo Admr. of the Estate of John W.
Lambert, Sr., dec'd., ^{the heirs of said dec'd., to wit,} Peter Lambert, R. B.
Lambert, Julia A. Lambert, B. E.
Southern, B. E. Southern, Darius H.
Southern, Rebecca M. Southern, Caladonia
Lambert, Nathaniel Southern, Rebecca
Southern, John W. Lambert, Peter A.
Southern and Mariato A. Southern

parties dependent to this bill, and
pray that each of them be required to
assume the charges of this bill fully
upon oath; that process issue; and
that the relief sought be granted, and
that they have general relief.
Your Oration and Oration will
and pray.

Wm. A. D. D.

Ally

Defts costs
C 8.66

Writ 7.50
Comm 7.00
of 15.00
\$37.66

Defts cost

C 8.66
\$ 4.00
Set L 5.00
\$17.66

James N. Young ^{Wm. A. Orr}
vs. } Bill Chcy.

R. D. Flannery, Shffr
admr
shffr

1887, Febry Bill filed 3/10
Executed, Ans. of defts
Filed, Repl + cont'd.
" March Ans. Set L. filed
and cause set for hearing
" Mr. Term Decree
for account + cont'd
" Aug. Decree Final

Wm. A. Orr

To the Hon. H. K. Morison,
Judge of the Circuit Court of
Lee County Va.

The separate
Demurrer, and answer, of
R. B. Lambert, to a bill
filed in this, Hon. Court against
him and others by James M. Young
and wife.

Respondent says the p[re]ss[ed]
bill is not good and sufficient
in law and of this he prays
Judgment of the Court &c.

But further answering
he says that at the time of
his father's death John W. Lam-
bert sen. deced and he was
about 31 years of age, had
never married and lived with
his said father, about the time
your ~~complaint~~ respondent
became of age, his said father
then old and feeble, requested him
to remain with him, and aid
him to live, and support re-
spondent's mother & sister, this
he did for 10 years or more
laboring hard, and donating
it all to the support of the

family, to compensate him in
part for this his said father
gave him all the personal prop-
erty, then owned and possessed
by him except the hogs and
sheep which the old man re-
tained as his own - so that the
property sold was not in
fact the property of John W.
Lambert but of this respondent
At the time of the said John's death
there were on said premises three
head of horses - one mare & three
year old filly, and a mule
all this property was and
is the rightful property of this
respondent - Some several years
ago his said father allowed
him to breed a mare which
he then owned, this respondent
paid the cost, and raised the
colt which is now the mare
spoken of, and the three year
old filly, is her colt bred
and raised by this respondent
on an out of his own labor
The mule is his in right of his
contract - to maintain and

support to said John but as
respondent still lives with
his master, he allowed her to
take and select the mule as
and for the horse allowed her
by law. all the hogs and all
the sheep that could be found
were sold. they had three cows
the rightful property of this
respondent - also, one small
steer and one sheep was killed
and eaten by the family, all
of whom were prostrated with
flux and fever and had cut
of necessity to kill & eat these
animals the complainant were
offered a full share of them
but refused. of the three cows
the widow kept one, she pur-
chased one, as the other was
sold to Shalom Herd.

This respondent has not been
advanced anything, but upon
the contrary said estate is really
due him for his services to
said John W. not less than
\$500. and as the complainant
have appealed to the law for
just redressment hopes they

In the summer of 1886 this respondent purchased for the use
of said family 100 bushels of corn; and sold 20 leaving 80
bushels said John C. says him for this corn was worth 40¢ per bu.
and has ever been paid. This should now be paid to him.

may be compelled to do justice.
The complainant, have no val-
id claim for services rendered
her grand mother, and if she had
ever had such claim the same
was barred by limitation long
before the death of the said John
C. and this he pleads in bar of
their action. He does not believe
his co-heirs have been advanced
more than the complainant. There
are no heirs belonging to said
estate they are this respondent.
But there is no more that is
necessary to be used by the family.

There was no corn or wheat
not sold belonging to said es-
tate nor was any concealed or
hid. Respondent denies concealing
any of said property, but all
was sold not legally belonging
to him or the said widow. and
having now fully answered he
prays to be dismissed with his
costs.

A. L. Friedman
for de f.

Virginia Lee County to wit:-

The foregoing answer was
Sworn to before in due form
by R. B. Lambert July 25/887.
J. A. Hyatt & Co

R. B. Lambert

ad. & answer.

last young ones

James C. Young & wife

Against

R. D. Flannery & others.

} In ch.

And

John W. Lambert & others,

Against

Peter Lambert & others,

} In ch.

These

Causes heretofore ordered to be heard together, came on again this day to be further heard upon the papers formerly read the report of H. C. Joslyn Commissioner filed Aug. 25, 1857, to which there are no exceptions and was argued by Counsel, on consideration of all which and for reasons appearing to the Court, the first styled Cause is dismissed and stricken from the docket, and it is adjudged that the defendant recover against the plaintiff, James M. Young and Mary Young his wife the costs of said first named suit including the fee of Commissioner Joslyn, and execution may issue therefor when taxed by the clerk - It is also adjudged & decreed that

L. M. Leammical, H. C. Leslyn
and James Rowlin Sr. do go ^{wherean her by appoint. Com. for the pur. of} report
the Land in the second styled
Cause ^{mentioned} and first lay out and
assign to Mary Lambert widow
of John W. Lambert deceased
one third in rental value in-
cluding the mansion house, as
and for her dower therein
They will then lay off said
land, including said dower
into nine equal parts; and so
that each share will bear its
part of said dower; and of
these lots they will make equal
in value, having due regard to
water & way, quantity and quality.
One of which they will assign
to the following persons, viz:
Peter, Lambert, R. B. Lambert,
Julia³ Lambert. The heirs at-
law of Catharine Southern deceased,
viz. Rebecca M. Dora, Be²E. and James
H. Southern, Rebecca Southern wife
of Nathaniel Southern, Maria³ Southern
wife of Peter A. Southern, Catharine⁴
Lambert daughter of Wayman
Lambert deceased, John W.⁵ Lambert
and Mary⁶ Young wife
of James H. Young

They will
make out a plat showing their
assignment, ~~and~~ each parcel, and
should two or more of these
beir desire their lots assigned
adjacent to each other the Court
will so assign them, if it
can be done without prejudice
to the others. They will report
their action to this Court at
some future term and the Cause
is Continued.

No 1
Young & wife
R. D. Llanary
admission
aw

John W. Lambert
v 3 1 Deere

Peter Lambert

Aug. 7, 1887

Entered on page 68

C. A. Book No. 3.

J. H. Hyatt & Co.

Enter this
Sept. 2, 87.
H. S. M.

To the Honorable H. S. K. Morrison Judge
of the circuit court of Lee County Virginia.

The answer of Dora Southern, B. E. Southern,
Darcus H. Southern, Rebecca M. Southern
& Lealadonia Lambert, infants by James W
Orr their Guardian ad litem, to a bill filed
in your honor's court against the respondents
& others by James N. Young & Mary Young his
wife.

Respondents being young and of
tender years know but little of the matters
& things charged in plaintiffs bill, but
they ask that the plaintiffs be held to strict
proof as to each and every allegation
therein contained, and that your honor
will take charge of their interests and
protect the same in every particular.
And as in duty your respondents will
ever pray. &c.

James W Orr, Guardian
ad litem for respondents

Subscribed to before me by James W Orr.
Feb 7th 1887.

J. A. S. Hyatt & c

Dora Southern ^{et}
^{als}
ads { Ans of G. A. L.
3
James N. Young & wife

Filed 1887

To the Hon. H. K. Morrison Judge of
The Circuit Court of Lee County Va.

The Demurer, and joint answer,
of Peter Lambert, John W. Lambert Jr.,
Peter A. Southern, Mariah E. Southern ^{his wife}
Nathaniel Southern and Rebecca Southern ^{his wife}
vs R. B. Lambert, to a bill filed in
this Hon. Court against them & others by
James H. Gorman ^{his wife}.

Respondents, say the plffs bill is
not good and sufficient in law,
and of this they pray judgment
of the Court.

But if any other or
further answer be deemed necessary
answering they say, the plffs bill
is founded in falsehood from be-
ginning to end - of all the heirs
of John W. Lambert sr. deceased, she the
female plff is the only one who
has ever been advance. The ancestor
was a poor man with a large fam-
ily and never had any surplus
to advance his said heirs - so that
he could not nor did not advance
them, nor give them anything intended
as such. The female plff Thamer
deserves credit for her enterprise

in charging her father, for allowing
her to live, with her grandmother, while
he the father supported them best -

The trust of that matter is briefly this
John W. Lambert sen. undertook to sup-
port his mother, the female possessor
grandmother, and at her death, was to
have her personal property, the
old lady occupied a separate house
in which Mary then a little girl
lived with her, John W. Lambert sen.
furnished them with all necessaries
and they did all they could, in the
way of raising chickens a few
sheep & the like, all fed & cared for
out of the graineries of the said John.
Finally the old lady died in the fall
of 1861 and all her things in accordance
with the arrangement was taken charge
of, & went into the possession &
control of the said John. Mary the
female possessor then concluded to make
her home with one of her uncles,
one Wayman Lambert, and on her
departure to advance her in life
the said John gave her all the house-
hold & kitchen furniture, which had
been in the possession of her grand-

* Beside, any claim the female pliff may have had
for support & maintenance has long since been barred
as the legal matter has been dead more than 20 years.

matter, and was of the reasonable
value of \$100. or \$125; and this was
more than he gave all the others. In
fact several of the others got nothing,
and some perhaps as much as two or
three dollars in some article, but
never intended as advancement. *

There is quite as much truth in
this as in the other part of her bill
however. The said John at the time
of his death only had one horse
beast - a mule which was claimed
is still in the possession of the widow
the family, did kill & eat one sheep
& one small ox before administration
granted. They were all sick and had to
live, but this they are advised they had
the perfect right to do. Beside, these
two animals, of which the female
pliff was offered a part, all the
hogs, sheep, cattle & after proper
was fairly & fully ascertained & sold
the money on hand was less than
\$200 and was paid on proper ex-
penses. So it will be seen the
pliffs have drawn heavily on their
imagination for their facts, and so
it is with the body the widow

claimed and had allowed her all the help
 as being necessary for the use of herself
 & family, and they are no more than is
 nearly necessary for that purpose.
 They deny any smuggling conceal-
 ment, fraud or unfair dealing &
 deny any advancement, - But
 charge the female plff with ad-
 vancement of the value of \$100. or
 \$125. They are willing to an account
 and full settlement. And having now
 fully answered they pray to be dis-
 missed with their costs.

A. L. Redmon
 for deft.

Peter Lambert

Adm } Answer.

Just. George Wolfe

Filed Feb 21 1887

& Replication thereto

by J. A. Wyatt

J. A. Wyatt & Co

Virginia Lee County to wit:

Sworn to in due form before me by
 Peter Lambert, Peter & Southern, John W.
 Lambert and Nathaniel Southern
 Subj 7 - 1887.

J. A. Wyatt & Co

James N. Young & wife Plffs
} vs Chy.
R. D. Flannery Adm &c. }
~~John W. Lambert et al Defts~~

This Cause came on
this day to be heard upon the Bill
and other papers therein filed, and
was argued by counsel. And it
appearing to the Court that there is one
other Cause of John W. Lambert et al against
Peter Lambert et al now pending in this
Court, pertaining in part to the same
subject matter, the Court deems that ^{it} ~~they~~
be brought on to be heard ^{with this Cause} together.

And it appearing to the Court that ~~it~~
is necessary to have an account of
the advertisements of John W. Lambert,
deceased, made by him to the parties
in this Cause; and an account
of the property taken possession ^{of} and
used by his children after the decease
of the said John W. Lambert; as well,
as to have a Settlement of the
Administration account of Rees
B. Flannery, Shff. and Adm. of the
said John W. Lambert, decd., The

Court hereby appoints H.C. Joslyn a
Special Commissioner, for that purpose. -
who will proceed to discharge such
duty and Report his action to the
next term of this Court, and the
~~cause is continued.~~ and he will
report any facts deemed pertinent by
himself or required by either party,
and the cause is continued.

James W. Youngman's

vs. Z. Green for account

John W. Landrum et al

Entered page 15

Enter
H.C. Joslyn

March 30 1884

Virginia

At a circuit court continued and
held for &c March 30. 1887.

Jas N Young & wife

Plffs. 3

vs.

3 In Chgo.

Jno. W Lambert et al.

Defts 3

This cause came on again to be heard upon the
bill and the other papers therein filed, and was
argued by counsel. And it appearing to the court
that there is another cause of Jno W Lambert
et al, against Peter Lambert, et al, now pending in
this court, pertaining in part to the same subject
matter. The court decrees that it be brought on
to be heard with this cause, and it appearing to
the court, that it is necessary to have an account of
the advancements of Jno W Lambert decd made by
him to the parties in these causes, and an account
of the property taken possession of and used by his
children, if any, after the death of the said Jno W Lambert
as well as to have a settlement of the Administration
accounts of Reese D. Flanagan sheriff of Eu Co, and Admin
of said Jno W Lambert, decd. The court hereby appoints
H.C. Joslyn a special commr. for the purpose, who
will proceed to discharge such duty, and report his action
to next term of this court. He will report any matters deemed
pertinent by himself, or required by either party, and
the cause is continued.

Attest Teste. J. H. Kyatt cc,

Jas. H. Youngs wife
vs. J. Decree.
Jas. H. Lambert et al.

Executed

S. H. Ewing
D.S.

Fee for copy 68¢

John W. Lambert }
Peter Lambert ^{vs.} als } In Chancery
James N. Young & wife }
R. S. Flanary Sheriff & Adm^r } In Chancery

The deposition of Mary Young and others taken before me H. C. Foslyn a Special Commissioner, on the 27th day of July 1887. at Hurrican Church in Said County. by Consent of the parties, to be read as evidence in a Suite now pending in the Circuit Court of Lee County, in which John W. Lambert and James N. Young & wife are Plaintiffs and Peter Lambert als. and R. S. Flanary Sheriff and Adm^r. are defendants.

The said Mary Young a witness of lawful age, having been by me first duly sworn deposes as follows:

I am a daughter of John W. Lambert Sr. Dec^d. and am now the wife of James N. Young am about 50 years of age, have been married about 20 years.

I have never received from my father's estate a single Cent worth of anything neither before or since his death. My father never sent

me to school a single hour.

My father gave to my half sister Catharine, about 20 years ago, one bed worth \$5.⁰⁰ 1 Cow worth \$15.⁰⁰

1 Yearling worth \$5.⁰⁰ 4 Sheep worth \$4.⁰⁰ Catharine was the wife of Nathaniel Southern, and their heirs are parties to this suit, Catharine was sent to school by my father but I don't know how much he paid for same.

Cross Examined

Question by Defendant R. B. Lambert.

Did you not get the effects of your Grand Mother Mary Lambert,

Answer. I did get her things.

Ques by Same. Did your father tell you you could have those articles.

Ans He did;

Ques by Same. What articles did you get. and what were they worth.

Ans. 1 Bed & Stead worth \$4.⁰⁰ 1 Loom worth \$3.⁰⁰
2 Spinning wheels worth \$2.⁵⁰ 1 Pot worth .50
1 Chest worth \$1.⁵⁰ 1 Cup board worth 50cts
1 Bake oven worth 50cts 1 Table worth 30cts
1 Skillet worth 25cts Knives forks & Crackers worth \$1.⁰⁰ 1 Cedar Bucket worth 25cts
1 Chair worth 25cts.

Examined by Plff:

Is it not a fact that you lived with your grandmother after you became of age?

Answer I did live with her over six years after I became of age.

Question Is it not also a fact that your grandmother gave you the said property for waiting on her?

Answer My Grand Mother did give me the things for waiting on her, and my father only consented to it.

Re. Cross examined by R.B. Bankert
Ques Who furnished you and your Grandmother during the six years you and she lived together

Answer We got it from my father, but I worked all the time, I made a board in the field, and think I earned all I got and more. I think I earned at least \$25.00 per year in taking care of Grandmother for the six years, over and above what I got. My Grandmother did not do any work for the last six years of her life, and the last three years she was almost helpless.

Witness claims

1 day 50

And further this witness deposes that:

Mary ^{her} Young
mark

Thomas J. Ely another witness of
lawful age being duly sworn
deposes as follows,

I live near Mr Lambert and
knew John W. Lambert sen and had
known him for several years. I
don't know what stock he had
on hand at the time of his death,
but I do know that there was
Cattle, Horses, Hogs, and a reasonable
good crop on the place at the
time of his death, There was
two fields of corn on the place, one
I should think would make 25
bushels to the acre, and the other
about 18 ~~abash~~ to the acre. In the
spring before his death Mr Lambert
offered to sell me a steer, for which
he asked \$13.⁰⁰ and said he had
been offered that for it,

witness 1 day
Claims 50 cts

And further this deponent saith not:

Thomas J. Ely

Sebastian Wygal another witness
of lawful age being duly sworn
deposes as follows,

I was one of the appraisers of
the personal estate of John W.
Lambert sen dec^d and the amount

of said ^{appraisal} ~~sale~~ bill including notes
 on James B. Bowling Thomas J. Ely
 and others is \$151.00 but this does
 not include the Corn, which we
 could not ascertain the number of
 bushels of, until it was measured
 up. and up to this day I have never
 got the amount of Corn, and that
 is the reason the appraisal
 bill has never been delivered
 to the Clerk. About the Corn
 I should think there was about
 six acres that ought to raise at
 least 25 bush to the acre, and
 3 1/2 that ought to raise 18 Bush to
 the acre, after the death of John
 W. Lambert sen I bought from R. B.
 Lambert 8 bushels of wheat for
 which I paid him 80 cents per bush
 there was no wheat on hand when
 we appraised the personal property.
 R. B. Lambert ^{has} lived with his father
 ever since I knew him, and was
 so living when I bought the wheat
 from him. Ben Querry ^{I think} had a piece
 of ground about 3 acres rented from
 the Lamberts that ought to make
 at least 20 bush to the acre, and
 the custom in this country of renting

⑧ In my opinion it would be best to sell the land and divide the money amongst the heirs. as the amount is small and very handy to give the 9 heirs wood, water & other conveniences.

is one third to the owner of the land, I don't know what become of the rent of this field, on the day we made the appraisement there was a hog that was claimed by Julia A. Lambert one of the heirs. that we did not appraise this hog would weigh about 260. lbs, and was worth \$10.00 she lived with her father but claimed that she had raised the hog and it was hers. Julia is I should think over 30 years of age, and has lived at home all her life. There was also a Mare and Filly, that we did not appraise. They were worth in my judgment The Mare \$85.00 and the Filly \$60.00 They were claimed by R. B. Lambert. He claimed no Hogs or Sheep or Furniture - but did claim I think 3 Heifers worth about \$5.00 each, and my recollection is that he also claimed one half the proceeds of the farm, he exhibited no writing or contract of any kind in reference to his said contract.

Witness Claim, And further This deponent so the Nat.
1 day 50 cts *Stasium Thysal*

Andrew J. Moywell another witness of lawful age being duly sworn deposes as follows,

I have been acquainted with John W. Lambert sen since Jan 1860. and live close by him, in the year 1886. there was raised and threshed on the place 60 bushels of wheat

I got $1\frac{1}{2}$ bushels for helping cut it and Mr Wyzgal got 8 bushels of it but I don't know what was done with the balance. In the fall after Mr Lambert's death the family killed a steer that was worth about \$10.00 but what become of the meat I cannot tell, ~~I found~~
~~kind quarter sold for \$5.24 the steer~~
~~was worth \$10.00~~

In my opinion it would be best to have the land divided amongst the heirs, rather than have it sold and the money divided,

Witness Claims And further this deponent saith not.
1 day 50.cts. Attest D. J. Atkinson

Peter Lambert another witness of lawful age being duly sworn deposes as follows,

When I was married my father gave me one hog and two sheep all worth

about \$3.⁵⁰ I don't think my sister
Catherine Southern got the Heifer
spoken of by Mary Young. but she
did get the Cow. I have always heard
that she made the bed spoken of after
she was married. I know she so made
a part of it. I don't think Catherine
got but two Sheep instead of four,
the Corn-fields spoken of by Mr Wyzal
I am well acquainted with, and think
he has the acres too large. The $3\frac{1}{2}$
acre field is only about 3, and the
6 acre field is only about 5. I think
the estimate of bushels is about correct.
It was my understanding that the
Hog Claimed by my sister Julia
was hers. as she had raised it.

My sister Mary Young when she
lived with Grand. Mother or both
together had two good beds either
of which was cheap at \$25.⁰⁰ but
I cannot tell where they come from
but suppose they belonged to my
Grand-Mother, The loom was worth
\$5.⁰⁰ The chest is worth \$2.⁵⁰ The Cup-
board was worth \$1.⁵⁰ The table was
worth \$1.⁰⁰ The rest of the articles I think
possibly are nearly correct.

As to my sister Mary Young's making a bond in the field, she only made a bond or helped hoe corn and after that was over her out door work was done, and Grand Mother was able to take care of herself up to nearly the time of her death. I have heard my father and mother talk about signing Mary to schools but she never went, she either would not go or Grand Mother would not let her. It is my opinion that the land had better be divided amongst the heirs as it would at present sell very low.

The Steer that was killed after Father's death was killed for the use of the family and was divided up amongst the heirs as far as could be, and Mary Young was offered a price but would not take it. ~~and it was made~~ In regard to the More and Filly claimed by R. B. Lambert, my Father told me that he told R. B. Lambert that if he would pay the season he could have the Colt, and R. B. done so and raised the More spoken of. and the Filly is a Colt of that More, all this

happened since R. B. was of age

The foregoing exposition is objected to in
so far as it pertains to any property given to
Mrs. Mary Young by her Grandmother Mary
Lambert, the same being barred by the Statute
of Limitation — And for the further reason that
the same has no connection with the estate
of John W. Lambert, deceased. ^{Com. & our atty.}
X Examination.

Question How many beds do you now own,
and how many did you own
in the year 1885, and how many
did you own in the year 1886?

Answer Five; I owned Five in the year 1885.
and I owned The Same in 1886.

Question How do your beds compare in value with the two beds you saw at your Grandmother's house, and in this disposition?

Answer. My beds are not as good as those owned by my brand-mother at the time I noticed them, My beds are only reasonably worth \$20.00 each.

Question Who of the birds eat up the steel?

2 got Some, Wesley Lambert, Peter
Lanthern, R. B. Lambert, Julia A.
Lambert, all got Some of the beef.

Question I think you state, ^{in your answer} that a quail was also killed, if so who eat the Sheep?

Answer The Sheep was eaten by my Mother R. B. Lambert, Julia A. Lambert & child, The Sheep was worth about \$1.00

Question Do you know how R. B. Lambert paid for the season of the calf hereofore named in this your deposition?

Answer I do not remember how he paid it.

Question Who of the Hirs or family used and consumed the wheat?

Answer, The wheat was consumed by my Mother, R. B. Lambert & Julia A. Lambert.

Question About what time was the wheat thrashed, and what was it worth per bushel when thrashed?

Answer The wheat was thrashed about the middle of August, and was worth about 75 cents a bushel.

Question How many hogs, ~~and~~ did you give in to assessors for taxation for the year 1886?

Answer I do not remember

Question How high did you value your household & kitchen furniture when listing the same for taxation for the year 1886?

Answer I believe I gave it in at \$50.00

Re-Examined by Sept R. B. Lambert
Ques who done the work to raise the crop
of wheat and Corn raised in the
year 1886. on J. W. Lambert sen's Farm
Answer. R. B. Lambert done most of the Plowing
and Julia A. Lambert and Lettie
Lambert, done most of the hoeing.

The foregoing question and the answer
therein is excepted to because these persons
who worked only have a claim
against the Estate of John W. Lambert,
provided they have not been paid.

Com A. Orr atty
for J. W. L.

Ques by same. Did R. B. Lambert make a good
hand through the crop during the
year 1886.

Answer. I Consider that he made a
very good hand. if he had
not they would have made a
very light crop.

Witness' claims
1 day 50 cts
And further This deponent doth not.
Peter Lambert

J. W. M. Ely Jr. having been summoned
and being present but not
needed as a witness, claims
his attendance 1 day 50 Cents.

H. C. Joslyn
Special Commissioner

James B. Baling having been summoned and being present but not needed as a witness claims his attendance

Claim 50. one day 50 cents.

H. C. Goshen

Special Commissioner

Mary Lambert another witness of lawful age being duly sworn deposes as follows,

A few days after myself and John W. Lambert Sen was married about 50 years ago. I heard Mr Lambert's Mother, the Grand Mother of Mary Young. Say that her husband had given John W. Lambert all he had to take care of her, and a boy brother of John W. Lambert who had Fitts, his property consisted of the things that Mary Young got, and a Nag, worth about forty dollars Mary Young got two beds instead of one as she states. They were both good beds. John W. Lambert signed Mary Young to three different schools, and paid for it. but she never would go to school, and her grand-mother would not make her go. In regard to the wheat I believe there was about 60 bushels

Threshed. we were all down sick
and Consumed Considerable That was
then the Cutting & Threshing was to
pay for, and Some was sowed,
About the Corn, there was Considerable
stock to feed and by the time that
the appraisers Come Dec 10th it was
about all fed out and Consumed
there was no Corn sold off the
place but was fed out to the
stock &c, The steer spoken of in
this case was killed for the benefit
of the family, and was so Consumed,
only what was given out to the
rest of the heirs who would have
any of it, The sheep was used
in the family, The bed that
Catharine Southern took away when
she left home. she made herself
after she was of age and married.
The Cow that Catharine took from home
she raised herself from a young Calf
that she traded a pig for, and Mr
Lambert did no claim to it, she
also had 2 sheep and took them with
her they were hers and Mr Lambert
did not claim them, I am the
widow of John W. Lambert sen. Dec.

The plff. Mary Young objects to this deposition so far as it states any thing about services rendered by R. B. Lambert, the same being in charge against the estate of John W. Lambert, if charge it is.
Wm. A. Opp. Atty.

Mr Lambert never advanced anything to any of his children, he did not give his children anything except what she gave to Mary Young.
R. B. Lambert has lived at home ~~at the time~~ and worked all the time only when he was sick for the support of the family.

The foregoing deposition is excepted to so far as the same pertains to any property given to Mary Young by her grandmother Mary Lambert, the testimony of the witnesses being hearsay on this point, and for the reason that this charge against Mary Young is barred by the Statute of Limitation, and does not pertain to the estate of John W. Lambert.

Wm. A. Opp. Atty.

Question Who sowed wheat on the farm of the late John W. Lambert last fall?

Answer. R. B. Lambert sowed or had sowed all the wheat on the place last fall.
Question How many bushels did R. B. Lambert sow and have sowed?

Answer I do not know.

Question When did he get his seed wheat?

Answer He got it out of last years crop.

Question Whom stock was fed out of the
corn crop between the date of the
death of your husband and
the date of the Sale?

Answer. R. B. Lambert had 2 Head of Horses &
3 Head of Calfs. and Julia had 1
Hog. The rest of the stock that was
fed on the corn was that that
belonged to the estate,

Question Is the sum named by you the same
sum which your husband offered
to Thomas J. Ely?

Answer. I suppose it was as he only had
the one steer.

Question How old was Mrs. Southum when
she came in possession of the
hipper calf described by you?

Answer. She was not of age when she first
got the calf.

Question Is it not a fact that your husband
kept a part of the increase of said
hipper on land when Mrs. Southum
left you to keep house for herself?

Answer. My husband kept the calf, and I
suppose it was for his trouble
with the cow and feeding her &c

Question You say that Mrs. Southum made
her bed. When did she make
it, and who furnished her the feathers
& other material

Ans. She and her husband furnished all the material.

Question ~~And further this deponent saith not,~~
Was all your children 21 years of age at the date of the death of your husband?

Answer They were.

Witness Cloins And further this deponent saith not.
1 day 50 cts
Mary ^{her} Lambert
Mort

Rebecca L. Southern another witness of lawful age being duly sworn deposes as follows.

I am a daughter of John W. Lambert Sen. ^{Sec.} My father never advanced me anything - but he sent me to school some. I don't know of any of the other children being advanced anything. I got a piece of the beef referred to. The family were down sick and it was killed for the benefit of ^{the family} ~~us~~ all, and all ^{the boys} got some that would have it. The sheep was also killed for and used by the family.

Cross Examined

Question Are you living at your fathers house
Ans I am not, and have not for the last eight years.

Lives

who of the heirs were living at home at the time the beef was killed, and who were sick

Aus

Julia was at home. and R. B. Lambert was there sick, and mother was also sick at the time.

I never got any of the wheat, except my husband got a bushel for helping cut the wheat. I did not get any of the corn that was raised last year.

Witness Claims

1 day 50 cts.

And further this deponent saith not.

Rebecca L. ~~Lambert~~ Southern

Adjourned until tomorrow

Thursday July 28th 1887. at 9 O'clock

H. C. Goslyn

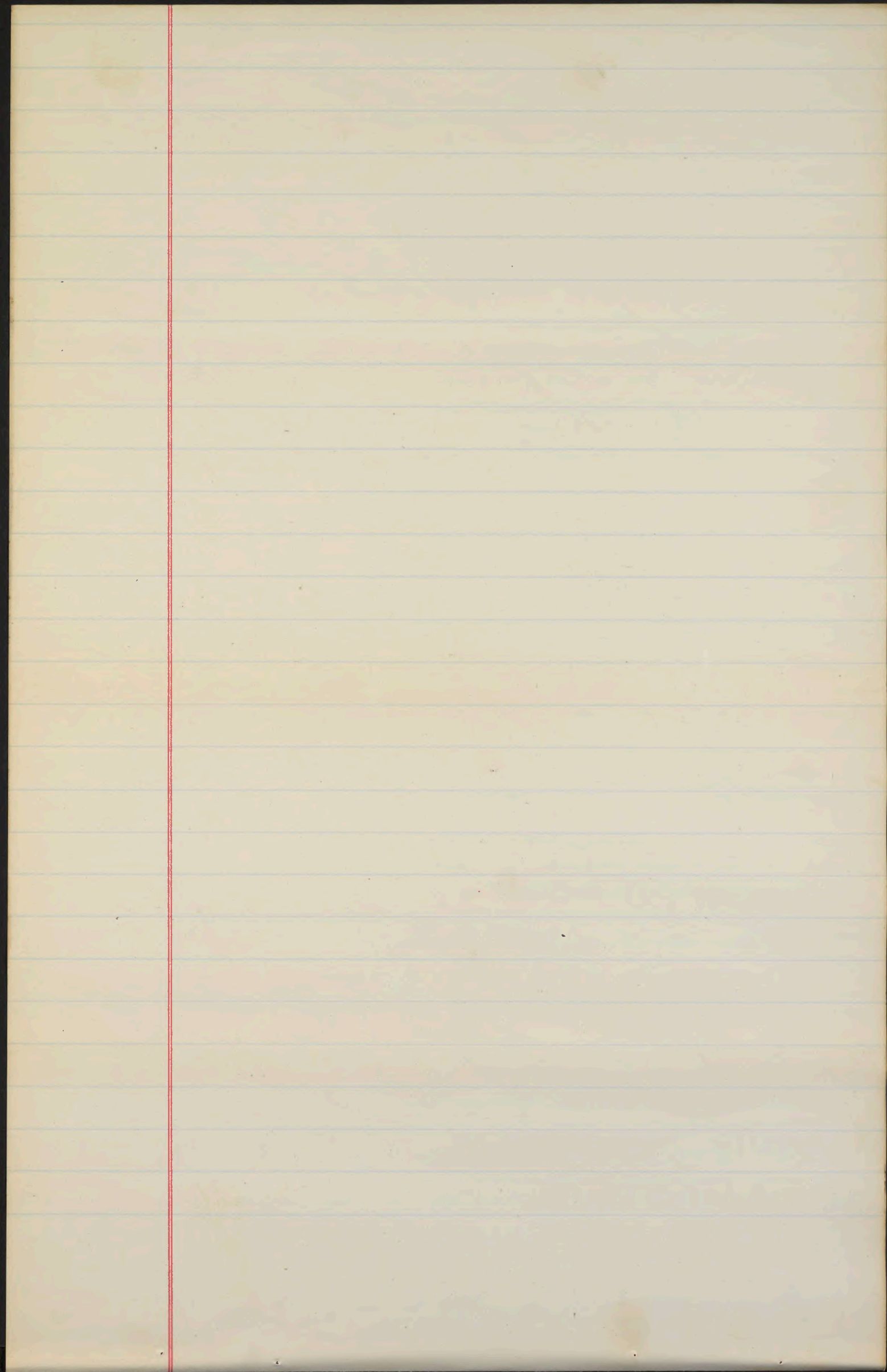
Special Commissioner

Met pursuant to adjournment
this July 28th 1887,

John W. Lambert a witness
of lawful age being duly sworn
deposes as follows,

My Father John W. Lambert has
never advanced me anything,
and I don't know of any of
the rest of the children being
advanced anything. I think
the statement made by me

Maxwell in his deposition in reference to the amount of wheat raised last year is about correct, and as to the disposition of the wheat, I milled a good deal of it myself for the family while they were sick probably 20 bushels. R. B. Lombert had sowed 9 or 10 bushels. Some was paid to the Cording machine and some sent to the store & probably 10 bushels was paid out for cutting threshing &c., all the wheat was thus disposed of previous to the appraisement except the five bushels that the widow got. I helped measure up the corn that was raised by Ben Deerry and spoken of by Mr. Wygal in his deposition, the corn was badly tended and all the rent we got was 13 bushels, I also helped gather the corn from the other two fields, it was very late, and a great deal of it had been used, and at the time we gathered it I presume there was 75 bushels, this was after the



appraisement, after paying for the gathering and the widow getting her Third I bought the balance 21 bushels, I will state that the 13 bushels of rent Corn from Lamer was used by the family, before the appraisement or sale, it was so late when the Corn was gathered that considerable of it was badly damaged, and not fit for market. About the Mare and Filly claimed by R. B. Lambert. I always understood they were his, and I have examined the assessors books and find them charged to R. B. Lambert, and the 3 Heifers I know R. B. bought two of them, and I believe they are his property.

Cross Examined

Ques

About how much Corn had been taken out and used from the fields before you went to gather it.

Ans

The Corn had been gathered from the best of the land. Sinks &c and the Cattle had been into it, altogether I should think there had been 30 or 40 bushels used.

Witness claims
2 days 100

R. B. Lambert and mother had the
wheat that was raised this year
cut and taken care of, but I
don't know which was the boss
in it, I should think there will
be about 30 bushels.

And further this deponent soith not.

John W. ^{his} Lambert
~~mark~~

Julia A. Sheets another witness of
lawful age being duly sworn
deposes as follows.

I am a daughter of John W.
Lambert sen. dec'd. and have always
lived at home until after my
father's death, my father never
gave me anything in the way
of advancements. I got a very
little schooling, I don't know
of any of the rest getting anything
except Mary Young who got all
of Grand Mother Lamberts things
that she spoke of in her deposition
and one good bed besides what
she says she got. I know she
got two beds, and I always
understood them to be Granney
Lamberts, and never heard it
claimed that they were Granney Southons

until Mary so Claimed on yesterday.
Grand-Mother Lambert was able
to be up and helped work in
the garden up to the day of
her death, I never knew her to
be Confined to the House very
long at a time, and she told
me the day she died, that she
was in the garden the day
before at work, and was taken with
a pain in her side, I think the
estimate put on the property that
Mary Young got by Peter Lambert
is low enough.

I gathered most of the Corn that
was gathered before the general
gathering, and the statement of
John W. Lambert as to the
amount and Condition of the
Corn is about correct, and his
statement as to the disposition of
the wheat is correct as far as I
know.

The foregoing deposition is excepted
to so far as the same pertains to property
given Mary Young by her Grandmother
Mary Lambert; because the same is a
claim now vested in the Administration
of John W. Lambert, deceased, and

for the reason that the claim is stale
and barred by the statute of limitation,
and for the further reason that this
gift does not pertain to the estate
of John W. Lambert.

Wm A. Orr, Atty.

Witness Claim And further this deponent deposes that
2 days \$1.00 Julia et sheets

R. B. Lambert another witness
of lawful age being duly sworn
deposes as follows.

I have never been advanced any-
thing by my father, have always
lived at home with him, but for
the last few years have been
trading on my own account, and
working for my father, and have
as a general thing run the farm,
and worked my own stock principally
and for the last six years have
~~paid~~ hired hands and paid for
the same out of the proceeds of
the farm and with my own
labor, I always run the farm
like it was my own, and done
the best I could for my father,
who had made me a kind of
agent to run the farm for him,

I was down sick last fall when most of the wheat and Corn was disposed of, and I believe the statement of John W. Lambert is about correct in that respect. The 8 bushels sold to Mr. Wyzgal was sold and the proceeds used for the benefit of the family while they were sick. The 10 bushel of wheat I sowed belonging to the estate I expect to pay to the estate $\frac{1}{2}$ of the wheat raised, as the estate furnished the seed, all the rest of the wheat was used for the benefit of the family. John W. Lambert's statement as to the Corn is correct as far as I know. about 9 years ago my Father told me if I would pay the season of his mow, I could have the Cult, I did so and she brought me a mow Cult. which I kept and she brought me a Cult which is the Trilly spoken of. at the time I paid the season I was over 22 years of age.

Know Examination.

Question To whom did you pay the season

of the man named by you?

Ans. M. S. Payne.

Question Is it not a fact that you paid the
same in grain?

Ans. I did.

Question What sort of grain?

Ans. Corn that I bought of Thom Southern
Question Was not that corn carried from
your father's premises?

Ans. It was, It was corn that was
raised on the place by Thom
Southern and I bought his port.

Question Did you shell it, & how much was
there of it?

Ans. It was shelled, and I paid 10
bushels for the season.

Question Where did you shell it?

Ans. At Home.

Question Did not you get the corn out
of your father's crib when you
went to shell it?

Ans. Yes. I got it out of his crib - but
I hauled it, and put it in,

Question How much corn was left in the
crib when you took it out?

Ans. I do not know.

Question To whom did the corn belong & so
left in the crib?

Answer. It belonged to myself and my Father,

Question In what year did you pay this corn to Martin S. Jayne?

Answer. I cannot exactly tell, but it was the same year that the Colt came, about 8 years ago this fall,

Question What did you pay for the corn?

Ans. I cannot remember, but think I traded a hog for the corn, and I believe the hog weighed about 100 lbs, besides I gave Southern something else. I got 10 or 12 bushels more corn from him than I paid Mr Jayne.

Question You say you paid for the hog by School teaching. Where did you teach the School?

Ans. I taught the School up at the old Billy Lambert Place. I taught the School in the Spring and bought the Hog that fall.

Question Are you certain that you was nearly an year of age when you taught the School?

Answer I am not certain;

Question When did you surrender the management of your father's farm and affairs?

Answer. I was managing his affairs up to the time of his death, and on up until the admr. was appointed

Question Do you own a bed & if so how's side, you come by it?

Answer. I do not own any bed myself.

Question Whom bed do you sleep on?

Ans I sleep on one of the beds that was in the House at Father's death;

Question Who sleeps with you in the same bed you occupy.

Ans. No one.

Question What is the bed worth you occupy?

Ans. About \$5.00

Question How many other beds are in your father's house?

Ans Three, but one of them belongs to my sister Julia and one to her daughter.

Question How long has your sister Julia lived away from your father's house?

Ans About three months

Question How many beds has your mother got?

Ans. She has two with the one I sleep in.

Question Do you think it better to sell the land and divide the proceeds of the sale between those entitled?

Ans. I think it would be best to divide the land, as the times are so hard, and money so scarce.

Question It is stated by some witnesses that some wheat was paid for the carding of some wool. How much wool was carded?

Ans. I don't know. The wools were brought home and were taken charge of by my mother. I got some socks made, but I had some wool of my own. ~~And further this deponent will not.~~

Question In what year was you born? And is there any record of your birth? Is not it a fact that you was born in Lee Co. Va & that your birth is of record in the Clerk's Office of Lee Co. Va?

Answer I was born in the year 1855 or that is the year my parents told me I was born. We have no record of births. I was born in Lee County. I have never examined the records of Births and deaths in the Clerk's office of Lee County, but if any one else wishes to do so they are open

to them 2 Suppoe.

2 days \$1.00 And further this deponent saith nat.
R. B. Lambert.

Virginia Lee County Va wit.

I, H. C. Goslyn a Special Commissioner do hereby Certify that the foregoing depositions of Mary Young, Thos. J. Elz Sebastian Wygal, A. J. Maxwell, Peter Lambert, Mary Lambert, Rebecca L. Southern, John W. Lambert, Julia A. Sheets and R. B. Lambert, were duly taken, sworn to and subscribed before me, at the time and place mentioned in the Caption of the same.

Given under my hand this 28th day of July 1887.

Henry C. Goslyn
Special Commissioner

James N. Young ^{Witness}
Seps

R. S. Llanar Sheriff
& Adam Llanar

Depositions of
Moir Young
J. P. Galy

S. Wygal

A. J. Moywell

Peter Lambert

Mary Lambert

Rebecca L. Southern

John W. Lambert

Julia A. Sheets &

R. B. Lambert

Witnesses fees \$7.50

John W. Lambert }
vs. Peter Lambert als } In Chancery

James N. Young & wife }
vs. R. S. Felanary Sheriff & Admr } In Chancery

To the Hon H. S. W. Harrison Judge
of the Circuit Court of Lee County Va
Pursuant to a decree entered by Your
Honors Court on the 30th day of
March 1887, in the above styled Cases
directing me as Special Commissioner
to take and state an account of the
advancements made by John W.
Lambert sen. to his children, also to
ascertain what was taken possession
of and used by his children after his
death, and to settle the administration
account of Reece S. Felanary Sheriff
and Admr and to report any other
matter deemed pertinent, or required
by the parties, respectfully report,
That on the 27th day of July 1887,
after giving all the parties due
notice, I commenced taking depositions
in the above named Cases, at the
African Church about three miles
from Jonesville, and continued
to take testimony until the same
was completed, which was on the
28th day of July 1887. I took in all

ten depositions, some for the Pliffs and some for the defendants, all of which are filed with this report.

I find that Mary Young wife of James N. Young, took possession of the things belonging to her Grand-Mother Lambert, and it seems by the testimony that her Father John W. Lambert Sen. gave his consent to it, that Mary Young lived with her Grand-Mother about six years, after she became of age, and took care of the old lady as best she could working some for her Father John W. Lambert sen. and getting pretty much all the support of herself and Grand-Mother, from her said Father. And from all I can gather in the case the property left by the Grand Mother of Mary Young was ample to pay her for her services in taking care of the old lady, and as the articles no-doubt belonged to the old lady and she had a right to give them to who she pleased, I consider that Mary Young has had nothing advanced to her, and that she is entitled to nothing for her services in taking

Care of her Grand Mother, out of the estate of John W. Lambert sen. decd, she having been amply paid in the articles received by her from her said Grand Mother, I find that John W. Lambert sen, was a man that gave his children very little chance as far as getting a start in life was concerned, possibly because he was in rather limited circumstances himself, and I have been unable to find any of his children that had been advanced anything, some of the children it seems took away some small articles when they left home - but they all seem to have made or traded for the same themselves and paid for them out of their own funds after they become of age, and I have to report that in my opinion John W. Lambert sen, advanced nothing to any of his children, I find that at the time of the death of John W. Lambert sen, there was some personal property left by him, which was taken charge of by his family, who were at home, and who were nearly all sick and unable to look after anything, and that there

was a Crop of Corn and wheat on the place, that the Corn was fed to Stock that was on the farm. so that at the time the appraisers went to appraise the property there was only (21) Twenty one bushels of Corn left after giving the widow what the law allowed to her. It seems the wheat threshed out about fifty bushels, of which fourteen bushels was sold to obtain necessities for the Sick family, and pay for Carding a little wool, ten bushels was paid out for Cutting Threshing &c. about twenty-two bushels was milled and used by the family, who were Very Sick from August until Dec, and who were Compelled to have a great deal of Company and assistance, and of Course need much more than they would have done under ordinary Circumstances. The widow was allowed five bushels by the appraisers, and R. B. Lambert sowed nine or ten bushels, which is now Cut and Stocked on the place, and of which R. B. Lambert, has been instructed to and agrees to Turn over to the Admrs.

one half of the present Crop as rent
the estate having furnished the
seed, There was a small beef worth
perhaps ten dollars, killed by the family
for the use of themselves, and to
obtain something that the sick ones
could eat, all the heirs that were
near enough were invited to come
and get some of the beef, and all
did get and use some except Mary
Young who was offered some but
refused to have anything to do with the
beef, I consider that the killing
of the beef and the disposition made
of it was perfectly legitimate, and
no charge should be made against any-
one for it,

R. B. Lambert at the time of the death
of his father. Claimed to own a mare
and filly that were on the place.
The Plaintiffs attempted to show that
either one or both these animals
belonged to the estate of John
W. Lambert sen. in which in my
opinion they failed, and according
to the testimony, R. B. Lambert is
the rightful owner of the said
mare and filly,
I find that the personal estate of

John W. Lambertsen, after setting aside what the law allows the widow was appraised at \$158.00 and from the testimony the sale amounted to about ten dollars more, but I have been unable to find the sale bill, it not having been returned to the Clerk's office, or if so returned it cannot be found. There must be deducted from the actual sale bill, three notes amounting in all to about (\$96.00) Ninety Six dollars all of which are solvent and in the hands of the Admr. It is impossible for me to make a full settlement of the Administration account, I can only estimate the amount that will probably be in the hands of the Admr. after paying expenses &c. which is as follows, viz:

Amount estimated in the hands of the admr	
including present crop of wheat	180.00
Left amt paid for Coffin	10.00
" " " " burial clothes	10.00
" " " " Taxes for 1886.	7.00
" Estimated Cost of administration	18.00
	<u>45.00</u>
Leaving net amt estimated in Admr's hands.	\$135.00

John W. Lambertsen at the time of

his death owed nothing that has been ascertained so far, as nothing has been presented up to this date, but as the Sale was made about the middle of Dec 1886, of course the adm^r cannot be compelled to make a full Settlement at this early day.

It seems to be the desire of all the heirs, that Commissioners be appointed to lay off the widows dower, and partition the balance of the land among the heirs that are entitled thereto, which I most respectfully recommend.

Having now performed the duties assigned me by your Honor to the best of my ability, I respectfully submit this my report for your Consideration.

Very Respectfully
Henry C. Foslyn
Special Commissioner

Gas. N. Young wife
no) Court's Report
R. D. Flanary Sheriff ^{atties} ~~admit~~

Filed Aug. 2. 1887.
J. A. Hyatt

Court's Fee \$ 7.00

To the Sheriff of Lee County, Acting.

You are hereby commanded to
Summon Thomas J. Ely, Johnny Ely,
Andrew Maxwell, Bess Wygab, Ben
Quary and James Bolin, to appear
before me at Hurricane Branch
Church, in Lee County, Va, on
Wednesday the 27th day of July, 1887.
to give testimony on behalf of James
Young & wife in a matter of
account, offered to me by the
circuit Court of Lee County, wherein
the said Young & wife are
plaintiffs, and Peter Lambert &
others are defendants. And
that they shall so do or else omit
under the penalty of twenty dollars.
Given under my hand this
July 25th 1887

H. C. Jordan

Special Commissioner

James Young Hoyle
and Spa.

Peter Lambert et al
we accept legal
services of this
Spa.

James B Bowling
Sebastian Hoyle
et al, S. S. Hoyle

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon R. D. Flannery Sheriff &
Admr. of the Estate of John W. Lambert dec'd,
Peter Lambert, Julia A. Lambert, Dora Southern,
B. E. Southern, Darius H. Southern, Rebecca M. Southern, (sister
Lonia Lambert), Nathaniel Southern, Rebecca Southern, John
W. Lambert, Peter H. Southern & Manah. A. Southern,
to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in February next, being Rule Day, to answer a
Bill in Chancery exhibited in our Court against them, by James
Young and Mary Young his wife

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this 10th day of January 1887 in
the 11 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste:

(W. A. C. W.)

James Young & wife

no 3 Spa in Chcy

R. D. Flanagan, Agent

To Feb 4 Rules 1887

Executed by deliver-
ing office copies of
this Spa, to Peter Lambert
Julia A. Lambert, Nathaniel
Southern & Rebecca his wife
John W. Lambert, Peter
A. Southern & Manoah A.
Southern, Jan'y 1887.

S. H. Caring, deputy
for R. D. Flanagan & Co.